

**IDAHO COUNCIL ON
DEVELOPMENTAL DISABILITIES
MINUTES FOR OCTOBER 28-30, 2004 MEETING**

<p style="text-align: center;">Full Council Meeting October 28, 2004, 8:30 a.m. – 5:00 p.m. October 29, 2004, 12:00 p.m. – 5:00 p.m. October 30, 2004, 8:30 a.m. 12:00 p.m. Location: Red Lion ParkCenter Suites Hotel</p>	
Call to Order	Theresa Wilding called the meeting to order at 8:45 a.m. on October 28, 2004.
Roll Call	<p><u>Council members present:</u> Theresa Wilding, Jim Baugh, Liz Ricciardi, Mike Smith, Bob Jackson, Kristyn Herbert, Alice Florence, Julie Fodor, Maggie Blackstead, Tygh Hales, Paige Fincher, Rick Betzer, Wendy Shelman, Mary Johnson, Kim Kane, John Grover and Dona Butler. Ken Deibert attended the afternoon session.</p> <p><u>Members absent:</u> Jana Jones, Donna Denney, Wendall Cass, and Roger Shanahan.</p> <p><u>Staff members present:</u> Marilyn Sword, Tracy Warren, Ron Enright, Christine Pisani, Pam Stanley and Judy Wauer.</p> <p><u>Visitors/Facilitators:</u> Vicki Smith, Mike Holden</p>
Introduction of Vicki Smith, facilitator for Leadership Training	Vicki Smith conducted a leadership training for Council members.
Announcement of elections/appointments	Theresa announced that elections for Vice President, Consumer Representative and three members to the Executive Committee would be held on Saturday, October 30, 2004.
Recess	The Council recessed at 4:30 p.m.
Call to Order - Welcome, Announcements	<p>Theresa Wilding called the meeting to order at 1:05 pm on October 29, 2004.</p> <p>Liz announced elections will be held on Friday for vice chair, consumer representative, and executive committee members. Anyone interested in serving on</p>
Review Agenda	the Public Policy Committee needs to let Theresa know before the next executive committee conference call on December 9.
Roll Call	<p><u>Council members present:</u> Theresa Wilding, Jim Baugh, Liz Ricciardi, Mike Smith, Bob Jackson, Kristyn Herbert, Alice Florence, Julie Fodor, Maggie Blackstead, Tygh Hales, Paige Fincher, Rick Betzer, Wendy Shelman, Mary Johnson, Kim Kane, John Grover, Ken Deibert, Donna Denney (for a portion of the morning meeting) and Dona Butler.</p>

	<p><u>Members absent:</u> Jana Jones, Wendall Cass, and Roger Shanahan</p> <p><u>Staff members present:</u> Marilyn Sword, Tracy Warren, Ron Enright, Christine Pisani, Pam Stanley and Judy Wauer.</p> <p><u>Visitors/Facilitators:</u> Mary Bostick representing the Department of Education, Mike Holden</p>
Public Policy/ Legislative Presentations	<p>Bob Jackson reported that the Public Policy committee met on October 18. He will brief the Council on each issue and then talking points will be written up for members' use during the legislative visits in January.</p> <p><u>Supported Living Changes:</u> Two rates were established and are based on the SIB-R score with the highest rate being almost impossible to attain. Rate change doesn't require legislative action. Jim Baugh reviewed the rate set up. This could have a profound economic impact. David Rodgers from Medicaid stated that the wrap-around rate created a billing nightmare billing in 15 minute increments. In October they modified rates. Mr. Rodgers explained the two rates and that they were trying to control cost without controlling services. Medicaid is really interested in input from the Council.</p> <p>Discussion followed regarding the SIB-R assessment. Jim stated that changes were implemented quickly. Co-Ad would like the council to endorse individualizing the daily rate/budget with recognition that the department has to have a structure in place to look at rates that are too high or unreasonable. They don't want people to</p>
Public Policy/ Legislative Presentations	<p>become too expensive for a provider to support.</p> <p>John Grover asked if there is a set rate for nursing home care, why is the rate so much lower for the community setting. If they are in an institution they are allowed a much higher rate. If the entitlement is truly there for each person, then it should be there for the person to choose. Mr. Rodgers stated there is no entitlement. Historically the rate for institutional care has been higher.</p> <p>Mike Smith moved that we accept Jim's Co-Ad comments. Mary Johnson seconded the motion. Jim was asked to review his comments. The position of Co-Ad is that the changes need to be rules and not just information releases. They are concerned that lower rates reinforce institutional bias for people. The daily rate doesn't cover all the services and it violates the Medicaid Act because it doesn't conform with reasonable rate setting for providing the actual costs of the services. Co-Ad objects to the use of SIB-R for determining who qualifies for the Intense level of support. Rates need to be individualized, two rates is better but it isn't enough. Rick Betzer asked if this had been reviewed by the</p>

	<p>deputy Attorney General? David Rodgers stated yes it has been reviewed by the deputy Attorney General. He stated that he doesn't agree with some of Jim's points. Marilyn stated that if the Council signs on to the comments included in the packets, it also includes all of the legal arguments that are included. The potential is there that if it moves forward in whatever venue, we're on board. Jim stated that the comments are not in a good form for the Council to adopt. Ken Deibert called for the question on the original motion. The vote was unanimously opposed. The motion did not carry.</p> <p>Jim moved the council adopt a position on changes to the supported living rates which would include the following principles:</p> <ol style="list-style-type: none"> 1. Individualized rates to the highest extent possible.
Public Policy/ Legislative Presentations	<ol style="list-style-type: none"> 2. A higher ceiling on the highest level of rates (higher than \$263/day) 3. A method of rate setting that doesn't not rely entirely on the SIB-R for any of the rates 4. Health & Welfare should continue to pursue a method of consolidating rates other than in increments of 15 minutes. <p>John seconded the motion. Ken Deibert and Donna Denney abstained. The motion carried.</p> <p><u>Assisted Living/ Certified Family Home</u> – Bob reviewed the legislation from the Board and Care Council, splitting into this statute into two separate sections of legislation. The Assisted Living statute was discussed first. Jim Baugh stated administrators would move to the Bureau of Occupational Licenses. Surveying facilities will stay with Facility Standards. Facilities that were prone to having problems or complaints may get more frequent surveys and there would be more flexibility with how they do the surveys. It also changes the definition of abuse. Jim stated that there used to be a section that dealt with integration. This bill took the language out and it needs be added back in for the integration mandate. Co-Ad also has a problem with the definition of "abuse." They don't like the phrase "...which harms a person." First you have to prove mistreatment then you have to prove harm. They recommend that section be removed. Under exploitation they need to add in the misuse of the identity of the person. These are suggested improvements rather than problems with the bill. Under inadequate care they should add "or engage in violation of residents' rights. A note</p>

	<p>should be included that failure to comply with the Federal act is also a basis of failure to comply with the state statute. This bill is needed but some things need to be changed. The concern with the Certified Family Home legislation is that it doesn't have any definition of abuse, neglect or exploitation. They should have the</p>
<p>Public Policy/ Legislative Presentations</p>	<p>same definitions. Also the section that states free from physical or chemical restraints "imposed for purposes of discipline or convenience" was removed in the Assisted Living Act but not in the Certified Family Home Act. This should read the same in both. Marilyn asked David Rodgers if there would be an opportunity to make changes. He thought there would be. Jim stated that Co-Ad was not represented on the Certified Family Home committee. Ken Deibert stated that the legislation has already gone to the governor's office for review. It can be modified, but it's not easy. David stated they will be meeting with staff in the governor's office and there are some issues with inconsistencies.</p> <p>Theresa Wilding moved to accept Jim's proposed changes. John Grover seconded the motion. Ken Deibert and Donna Denney abstained. The motion carried. (Donna left the meeting at this time.)</p> <p><u>People with Developmental Disabilities in Jail</u> – Ken Deibert explained that the 18-212 statute deals with competency to stand trial on criminal offenses. One area deals with developmental disabilities and one with mental illness. People with developmental disabilities or mental illness with different levels of criminal activity can be placed in a facility that is not secure. It potentially places residents at risk. To try to address the problems with individuals with extreme violent behaviors they are proposing legislation that is currently in the drafting stage and are taking comments and looking for ways to improve it. During this past week there have been some modifications made to this proposed bill and they are substantial changes. Jim Baugh stated that he wasn't aware of what the new changes are. The current draft is written in such way that it doesn't only address high risk or very violent individuals. Current statute requires the court to make the decision if the person is at risk of injury. This is due process of law. The new statute allows one person, the</p>
<p>Public Policy/ Legislative Presentations</p>	<p>dispositioner, to make the decision. The worse case scenario would be that they could be in jail for 9 months without the ability to appeal the decision to the courts. There is a lot of concern as to whether or not jail is the best place to provide treatment. If we need a secure facility for treatment we need to ask for funding to develop a secure facility. Jim stated that they</p>

	<p>feel there are constitutional issues here. Ken stated that the Council, if so inclined, could encourage the development of a medically secure, forensic facility. Mary Bostick agreed that this is a needed facility and encouraged the Council to support it. Jim reminded Council members that this does not apply to juveniles or persons already convicted of a crime. These people have been charged with a crime and because of their disability or mental illness are not competent to stand trial. This statute deals with people who have not yet gone to trial. Co-Ad recommends that if a forensic facility is needed, then build a forensic facility. It doesn't have to be a new facility it could be a secure unit in a current facility.</p> <p>John Grover moved that the Council recommend the state establish a forensic medical unit for people who need restored competency rather than put them in a jail or prison. Mary Johnson seconded the motion. After further discussion John withdrew motion.</p> <p>Jim Baugh moved that the Council take the following position on the proposed changes to Idaho Code 18-212, oppose amendments to 18-212 which would give the dispositioner the power to determine that a person receiving treatment to restore competency to stand trial can be held in jails or other correctional facilities and that we support treatment for such individuals to be provided in an appropriate secure treatment facility other than correctional facilities. Mary Johnson seconded the motion. Ken Deibert abstained. The motion carried. (Ken left the meeting at this time.</p>
<p>Public Policy/ Legislative Presentations</p>	<p><u>Self-Determination Resolution</u> – The Department of Health & Welfare has drafted a resolution to get legislative support for the Self-Determination option for all waivers. They will start with the developmental disabilities population, run a test program and report back to the legislature in 2006. Marilyn stated that there were some typos that have been reported to Medicaid and staff made a recommendation to change the word “care” to supports and services throughout the resolution.</p> <p>Maggie Blackstead moved that the Council support the resolution. Wendy Shelman seconded the motion. The vote was unanimous in favor. The motion carried.</p> <p><u>Idaho ADA</u> – Jim explained that this amends the Human Rights Act to restore rights lost under court rulings. The drafting subcommittee has recommended changes in the disability definition. John Grover moved to support the changes in the language to accept the definition of disability. Maggie</p>

	<p>Blackstead seconded the motion. The vote was unanimous in favor. The motion carried.</p> <p><u>Children’s Special Health Services</u> – The Public Policy Committee suggested changes on the fact sheet to indicate that the term “regional” may include out of state services, ie. Salt Lake, Seattle, etc. The committee is recommending that the Council accept the legislative strategies as outlined in “Fact Sheet: Children’s Special Health Care Program Changes.”</p> <p>Jim Baugh moved to accept the recommendation from the Public Policy Committee. Theresa seconded the motion. The vote was unanimous in favor. The motion carried.</p> <p><u>Medicaid for Workers with Disabilities</u> – Ron Enright explained that Medicaid Buy-in is now known as Medicaid for Workers with Disabilities. Bob Jackson reported that advocates are attempting to get \$600,000 in general funds added to the Governor’s budget. CID</p>
Public Policy/ Legislative Presentations	<p>would like the Council to sign on to their letter. The Public Policy committee is recommending that the wording in the letter be changed to, “The department has made a commitment to implement a Medicaid buy-in program if sufficient funding is made available.” Theresa Wilding moved that the Council sign on to the CID letter if the suggested changes are made, if the changes are not made the Council will write their own letter. John Grover seconded the motion. The vote was unanimous in favor. The motion carried.</p> <p><u>DDA Rules</u> - Marilyn asked Jim if he has seen the draft of the DDA rule changes. Jim stated that he and Ron have received it. Ron will review it and send out the information to the Public Policy committee. Julie Fodor stated that the Idaho Training Cooperative Committee is holding a two-day meeting in December. They will be making recommendations that will seriously impact those rules.</p>

Recess for Day	<p>- Theresa reminded everyone that elections will be held on Saturday. Submit your nominations to Liz or Theresa as soon as possible.</p> <p>- Jim reported that Co-Ad will be operating a hotline for people with disabilities who are having voting issues on election day. There is a toll free number for people throughout the state to call.</p> <p>- Theresa thanked everyone for their attendance at this meeting. She also thanked Mary Bostick for attending and representing the Department of Education. The Council has missed their input in past meetings.</p> <p>The meeting recessed at 4:55 p.m.</p>
Call to Order	Theresa Wilding called the meeting to order at 8:40 am on October 30, 2004.
Roll Call	<u>Council members present:</u> Theresa Wilding, Jim Baugh, Liz Ricciardi, Mike Smith, Bob Jackson, Kristyn Herbert, Alice Florence, Julie Fodor, Maggie Blackstead Tygh Hales, Paige Fincher, Rick Betzer, Wendy,
Roll Call	<p>Shelman, Mary Johnson, Kim Kane, John Grover and Dona Butler.</p> <p><u>Members absent:</u> Jana Jones, Donna Denney, Wendall Cass, Roger Shanahan and Ken Deibert</p> <p><u>Staff members present:</u> Marilyn Sword, Tracy Warren, Ron Enright, Christine Pisani, Pam Stanley and Judy Wauer.</p> <p><u>Visitors/Facilitators:</u> Mary Bostick and Mike Holden.</p>
Approval of July 29 - 30, 2004 Minutes	The minutes of the July 29 - 30, 2004, Council meeting were approved as presented.
Reports <ul style="list-style-type: none"> Chair's Report 	<p>Chair's Report – Theresa reported on Project Vote. At the end of September she met with Ron Seiler, Bobby Ball, Elinor Chehey (League of Women Voters) and Corinna Wolfe (Co-Ad). They put together a proposal for the Secretary of State's office. His office has approved the first phase of the proposal. Kits were developed for the election precincts. Over 600 kits were requested and sent out. Theresa stated that she really appreciated Marilyn's help on this project. It was very successful. They are now waiting to hear on approval of Phase 2 which focuses more on educating self-advocates and accessibility training. Marilyn will send, via e-mail, the article in the newsletter from the national association that talks about Idaho's efforts and Project Vote. Theresa stated that she is also involved with SABE and went to the Board meeting in August. She is on the legislative committee for SABE. The</p>

<ul style="list-style-type: none"> • Director's Report 	<p>next meeting is in November.</p> <p><u>Director's Report</u> – Marilyn distributed copies of her report. Pam and Marilyn met with budget analysts regarding budgets. JFAC is taking a different approach to state budgets. They will be meeting again next week. When the budget is finished it will be a cleaner, more accurate way of reflecting expenditures and appropriations. Marilyn attended the national association meeting in October. She will summarize the information and send it out to Council members. Marilyn encouraged Council members to read her written report.</p>
<p>Consent Agenda</p> <p>Executive Committee Report</p>	<p><u>Executive Committee Report</u> –</p> <p>Theresa reported there was one conference funding request for \$145 to attend an autism conference. The SILC conference in February and there will be scholarships available. Applications are not available yet, but they are starting a list. If anyone is interested in attending, get your name on the list. Theresa is taking names of those who are interested in being on the Public Policy committee. Council members can let Theresa know by e-mail or talk to her today if interested, but she needs to know before the next Executive Committee meeting. The budget was reviewed. Marilyn stated there are two things that need approval. Financial report can be part of the consent agenda. Pam Stanley reviewed the financial report with the Council. Marilyn reviewed the final work plan for the year. She also reviewed the budget. Theresa stated that the Executive Committee went through the budget in more detail and recommends it be approved.</p> <p>Bob Jackson moved to approve the budget and work plan as presented. Liz Ricciardi seconded the motion. The vote was unanimous in favor. The motion carried.</p> <p>Theresa stated that the Executive Committee also talked about the problem with absenteeism at Council meetings. They will be reviewing the by-laws and policy regarding attendance and begin enforcing them. They also discussed that staff sits on several committees throughout the state. A lot of these committees could have a council member representative instead. Marilyn will put together information on the committees and what will be involved. If you're interested in sitting on any committees let Marilyn or Theresa know. The Executive Committee will make the appointments. Before volunteering be aware of the commitment that you are making. Be sure you have the time to serve.</p>

Election of Officers	<p>Elections were held and the following were elected:</p> <ul style="list-style-type: none"> • Vice Chair – Rick Betzer • Consumer Representative – Kristyn Herbert • Executive Committee: John Grover, Wendy Shelman and Liz Ricciardi.
Open Forum/Parking Lot	<p>Christine Pisani distributed The Riot newsletter. She encouraged self-advocates to read it and share it with other self-advocates. A workshop on sexuality was provided at the Partners Leadership Institute. It was originally developed to talk about dating and relationships. It very quickly turned into discussion regarding sexual abuse and domestic violence experienced by self-advocates. Christine stated that she wanted the Council to be aware that this is happening and encouraged them to look at protection and prevention issues and training.</p> <p>Tracy Warren shared that the Early Years Conference is coming up in Boise November 16-17. The Boise School District is holding a forum on November 11 called No Parent Left Behind. The Tools for Life conference is coming up in January. She distributed information to the Parent League regarding No Child Left Behind and Adequate Yearly Progress. She has been invited by the</p>
Open Forum/Parking Lot	<p>State Board of Education to sit on an Idaho Standards Achievement Test sensitivity review panel to ensure the test is accessible to all populations and does not have bias. She had requested that someone from Assistive Technology and Co-Ad be a part of this panel, but they were not included. Tracy encouraged Council members to contact her with questions, comments and concerns. The meeting is scheduled for November 17.</p> <p>Ron Enright stated that Adventure Island repairs have been completed. There was about \$4,000 in damage. They are looking at next weekend for the grand opening.</p> <p>Marilyn distributed 3 items: Next Steps, Council Slogans, and How to make Council meetings too important and valuable to miss. This information resulted from our leadership training. If you have not turned in your “activities sign up form” from the leadership training, turn it in to Theresa.</p> <p>Rick Betzer stated that he was asked to join the reader advisory board for the Post Register newspaper.</p> <p>The Council discussed the Leadership Training that was held on</p>

	<p>Thursday. Comments were very favorable. It was felt that members liked the focus on the leadership of the council and not just on individuals, there is a stronger feeling on how important individual contributions are, they liked the team building experience, people opened up and shared. It was suggested that it would have been nice to mix up the people at the tables to experience different groups. The Executive Committee will discuss it at their next meeting if it would be beneficial to do these types of training more often.</p>
Next Meeting	<p>The next Council meeting will be held January 27 – 28, 2005, at the Red Lion ParkCenter Suites.</p>
Adjournment	<p>There being no further business, the meeting was adjourned at 11:50 a.m.</p>